



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

[REDACTED]  
00008

REPLY TO THE ATTENTION OF

March 9, 1995

VIA FAX THEN  
U.S. MAIL

Linda W. Tape  
Coburn & Croft  
Suite 2900  
One Mercantile Center  
Saint Louis, Missouri 63101  
FAX (314) 621-2989

EPA Region 5 Records Ctr.  
247011

RE: Standard Scrap Metal/Chicago International Exporting  
Site, Chicago, Illinois

Dear Ms. Tape:

This letter responds to your letter to Steve Faryan, U.S. EPA's On-Scene Coordinator dated March 9, 1995 referencing your clients' intent to comply with the Administrative Order Docket No. V-W-95-C-283 ("Order").

First, as your letter contains several conditions upon which the Respondents intent to comply relies, U.S. EPA reserves its right to enforce the Order against the Respondents, as their intent is not unequivocal. To the extent your clients intend to comply with the Order, your letter dated March 9, 1995 contains several inconsistencies with respect to our meeting on February 27, 1995.

For example, during the meeting we identified the following waste streams which must be sampled pursuant to the Work to be Performed section of the Order: 1) metal from the shredder and separator; 2) copper fines from the metal shredder and separator; 3) fluff from the metal shredder and separator; 4) dust from the baghouses or other pollution control device on the shredder and separator, and 5) incoming, or pre-shredded material, which includes material purchased from an outside source and transported to the respondents scrap yard for distribution or further processing.

Furthermore, U.S EPA never agreed that sampling would only be necessary for 8 weeks. Instead, U.S. EPA agreed that if, after 8 weeks, sample results showed that no release of hazardous substances has occurred at the site, U.S. EPA may consider a

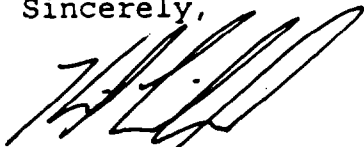
request by Respondents to amend the sampling plan to require quarterly sampling of the waste streams identified above.

Also, during the February 27, 1995 meeting, or any other time, U.S. EPA did not agree to provide a sampling plan to the Respondents. Development of a sampling plan is one of the requirements in the Work to be Performed section in the Order. As we discussed during our February 27, 1995 meeting, and as set forth in the Order, a Work Plan, which identifies the actions necessary to comply with the Order, including development of a sampling plan, and a time frame for implementing those actions, is required within ten days of the effective date of the Order, which was Monday, March 6, 1995.

As set forth in my letter to you dated February 21, 1995, U.S. EPA has broad access authority under Section 104 of CERCLA. Not only does the Order require that Respondents provide access to U.S. EPA for any activities U.S. EPA determines is necessary, Respondents are under a continuing obligation to comply with the Unilateral Order for access previously issued for the above referenced site.

If you have any questions, please do not hesitate to call me at (312) 886-6831.

Sincerely,



Kurt N. Lindland  
Assistant Regional Counsel

Enclosure

cc: Brian Havey, U.S. Attorney's Office  
Northern District of Illinois

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